IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1765 OF 2006

Subhash Chandra ...Petitioner.

Versus

Ceat Financial Services Limited
and 2 Ors. ...Respondents.

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Mr.V.M.Thorat, Advocate for the Petitioner.
Mr.V.B.Pande, Advocte for Respondent No.1.
Mrs.M.M.Deshmukh, APP, for State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 20th February, 2007.

P.C.:

1. Heard Mr.Thorat, the learned Advocate for the petitioner-orig.accused No.3, Mr.Pande, the learned Advocate for respondent No.1-orig.complainant, and Mrs.Deshmukh, the learned APP for the State.

2. Process has been issued against the petitioner under Section 138 r/w. 141 of N.I.Act. Being aggrieved thereby the petitioner had preferred a revision being CRA No.690/2005 before the Sessions Court. Mr.Thorat has submitted that

in the revision many grounds were raised. One of the grounds was that the petitioner had resigned prior to the cheque being issued and hence he could not be held liable. The second ground was that there are no averments in the complaint that petitioner was the Executive Director and/or Manager and/or incharge of the day to day affairs of the company. The learned Sessions Judge has dismissed the revision taking into consideration only the first ground i.e. the petitioner had resigned prior to the cheque being issued. However, the other grounds were not considered.

3. Looking to the fact that the petitioner has also raised additional ground that there are no averments in the complaint that petitioner was the Executive Director and/or Manager and/or incharge of the day to day affairs of the company, I am inclined to grant liberty to the petitioner to also challenge the order issuing process before the Sessions Court on the ground that there are no averments in the complaint that the petitioner was incharge of the day to day affairs of the company. It is to be noted that this liberty is granted in respect of this ground along with other grounds

raised in Cri.Revision Application No.690/2005, except the ground that the petitioner had resigned prior to the cheque being issued. It is made clear that the order of the Sessions Court rejecting the revision on this ground is not being dealt with on merits at this stage and the petitioner is at liberty to challenge the said order before this Court at appropriate stage, if necessary.

4. Writ petition is disposed of.

(SMT.V.K.TAHILRAMANI,J.)